

RESPONSE AND REMARKS

In the Office Action, the Examiner formally confirmed a restriction requirement, construing Claims 1-20 and 25-35 as Group I, and Claims 21-24, 36, and 37 as Group II.

Pursuant to the formal restriction requirement dated July 6, 2004 and in accordance with 35 U.S.C. 121 and 37 C.F.R. § 1.142, Applicant formally confirms election of, and hereby formally elects, for further examination the invention construed by the Examiner as Group I described by the Examiner as Claims 1-20 and 25-35; Claims 21-24, 36, and 37 corresponding to non-elected Group II, are withdrawn from examination without prejudice to Applicant's filing in accordance with 35 U.S.C. §§ 120 and 121 and 37 C.F.R. § 1.142, during the pendency of the present Application, a divisional application directed to non-elected Group II construed by the Examiner as Claims 21-24, 36, and 37.

Claims 1-4 and Claim 25 in elected Group I are cancelled. New Claims 38 through 55 have been added. Amendments to Claims 5-20 and 26-35 are filed concurrently herewith to more distinctly claim the invention. Entry of the amendments and the new claims, and reconsideration of the application, as amended, are respectfully requested.

SPECIFICATION

In the Office action, the Examiner objected to use of various trademarks as used in the specification and indicated that the trademarks should be capitalized wherever they appear. Responsive to the Examiner's objections to the use of trademarks, the specification, as amended, identifies trademarks used in the specification, references the proprietary nature of those trademarks through the use of the "TM" symbol, and equates the TM-designated trademark with both an all-capitalized version of the trademark and with alternative ways in which the trademarks appear in the specification.

SECTION 112

In the Office Action, the Examiner rejected Claims 2-4 as being indefinite under 35 U.S.C. §112 on grounds that there is insufficient antecedent basis for

the phrase "the particular printer device" in Claim 2. Claims 1-4 have been cancelled.

In the Office Action, the Examiner rejected Claim 25 as being indefinite under 35 U.S.C. §112 on grounds that the phrase "generating a shipping according to" is "unclear." Claim 25 has been cancelled.

SECTION 102

In the Office Action, the Examiner rejected Claims 1, 2, 4-6, 8-12, 14-16, 18-20, 26, 29-31 and 33-35 under section 102(e) as being anticipated by Kara et al. (U.S. Patent No. 6,233,568; "Kara").

According to the Examiner, with respect to Claims 1, 2, 4-6, 8, 10-12, 14-16, 18, 26, 29-31, 33 and 35:

Kara discloses the use of a Shipping Management Computer System (see abstract) that is programmed to recognize a set of graphic resolution characteristics of a printer device (See Figure 6, and column 4, lines 49-54). Kara discloses the computer system used to create and generate a shipping label image bearing a dimensionally accurate symbology for display (See Figure 9). Kara also discloses the step of generating a shipping label according to a set of rules for a particular service of a particular carrier and according to the selection of the user (See Figures 6-9, column 5, lines 443-47, and column 6, lines 22-32). Kara discloses the users having a remote communication link such as the internet (See Claim 45), the examiner considers this to be a global communication link, since the internet can be accessed at any location across the globe. It is also the examiner's opinion that the system is for multiple users, therefore multiple printer devices.

Office Action, Topic Number 15, page 5. With respect to Claims 8, 18, and 33, the Examiner cited "Figures 8 and 9 with corresponding detailed descriptions, Column 6, lines 22-39." Office Action, Topic Number 16, page 5. With respect to Claims 9, 10, 19, 20, 34, and 35, the Examiner cited "Reference number 710, column 19, line 66 to column 20, line 61." Office Action, Topic Number 17, page 5.

With respect to the Examiner's rejection of Claims 1, 2, 4-6, 8, 10-12, 14-16, 18, 26, 29-31, 33 and 35, and the Examiner's citation of Kara's Figure 6, and column 4, lines 49-54 in support of that rejection, it is noted that Kara's Figure 6 discloses an element labeled "GRAPHIC"; Kara, Col. 4, at lines 49-53 discloses

"The PC then takes that information and packages it into an indicia in the form of a portable data file so that the digitally signed information can then be authenticated by the authenticating agency at pick-up . . . "

Applicant has carefully considered the cited reference and the Examiner's rejections, and respectfully submits that, there is no disclosure in *Kara*, including Figure 6 of *Kara* and column 4, lines 49-54 of *Kara*, of any programming to, for example, "recognize [or for recognizing], in response to a particular user of a plurality of users using a particular remote user client computer device to print a shipping label for shipping a particular parcel . . . a set of *graphic resolution characteristics of a display device* configured with the particular remote user client computer device" as recited in independent Claims 11, and 26, as amended.

Further, there is no disclosure in *Kara*, including Figure 6 of *Kara* and column 4, lines 49-54 of *Kara*, of, for example, a server portion being configured for: ". . . identifying a set of *graphic resolution characteristics of a display device* associated with said client computer. . ." as claimed in new independent Claim 38.

Nor is there any disclosure in *Kara* of, for example, ". . . using [] *graphic resolution data* [indicating one or more *graphic resolution characteristics* of a displayed version of a test image as displayed on a display device associated with a client computer] to determine a particular remote image resolution for printing said particular image on a printer associated with said client computer. . ." as claimed in new independent Claim 44.

Yet further, there is no disclosure in *Kara*, including Figure 6 of *Kara* and column 4, lines 49-54 of *Kara*, of, for example, any programming ". . . wherein said electronic representation of the shipping label comprises an electronic representation of a dimensionally accurate symbology adapted for dimensionally accurate display on a display device configured with the particular respective remote user client computer device . . ." as claimed in Claims 5, 15, and 30, as amended.

Further still, there is no disclosure in *Kara*, including Figure 6 of *Kara* and column 4, lines 49-54 of *Kara*, of, for example, any programming ". . . wherein

said shipping label image is created according to a set of graphic resolution characteristics corresponding to the display device configured with the particular respective remote user client computer device . . ." as claimed by Claims 6, 16, and 31, as amended.

Nor is there any disclosure in *Kara*, including Figure 6 of *Kara* and column 4, lines 49-54 of *Kara*, of, for example, any programming to "recognize a set of graphic resolution characteristics *corresponding to a particular respective display device* configured with the particular respective remote client computer . . ." as claimed in Claims 7, 17, and 32, as amended.

Nor is there any disclosure in *Kara*, including Figure 6 of *Kara* and in column 4, lines 49-54 of *Kara*, of, for example, any programming ". . . wherein said shipping label is generated in a format . . . *according to a set of image resolution characteristics for a display device* configured with a respective remote client computer device used by the particular user . . ." as claimed in Claims 8, 18, and 33, as amended.

Still further, there is no disclosure in *Kara*, including Figure 6 of *Kara* and column 4, lines 49-54 of *Kara*, of, for example, any programming to ". . . graphically size a shipping label symbology to be printed on a particular remote printing device . . . *according to at least one image resolution characteristic of a remote display device* configured with the particular respective remote client computer . . ." as claimed in Claims 10, 20, and 35, as amended.

Further, as distinguished from *Kara*, many of the independent Claims of the present application recite, for example, that the user uses "computer software installed on each remote user client computer device [that] is adapted to retrieve and render hyper-media content from one or more server computers available over the communications network" (e.g., Claims 5, 6, 11, 15, 16, 26, 30, and 31)), or "browser software" (e.g., Claims 7, 8, 10, 17, 18, 20, 32, 33, and 35), to access the computer system. See, e.g., Specification, page 15, lines 21-26 ("Users access 1003 and browse the Internet 15 using a web browser 14 that generally resides and is executed on the user's PC 8. The web browser 14 is a computer program or set of computer instructions that allows the Shipper/User 7 to retrieve and render hyper-media content from one or more Server computers,

e.g., 20a-21z available over the Web. Suitable commercially available web browsers include, e.g., Netscape's Navigator™ and Microsoft Internet Explorer™.")

In view of the above-stated reasons, it is respectfully submitted that because Claims 5, 6, 8, 10-12, 14-16, 18, 26, 29-31, 33 and 35, as amended, claim, for example, in one form or another, "a plurality of users" that access the subject "computer system" . . . "over a communications network" via a "[remote]" . . . "client computer [device]", using "computer software installed on the remote user client computer device [that] is adapted to retrieve and render hyper-media content from one or more server computers available over the communications network" (e.g., Claims 5, 6, 11, 15, 16, 26, 30, and 31)), or "browser software" (e.g., Claims 7, 8, 10, 17, 18, 20, 32, 33, and 35), and because those Claims are directed, for example, in one way or another, to resolution characteristics of a display device configured with a remote client computer, it is respectfully submitted that those Claims, and Claims that are dependent on them, are therefore patentable over Kara.

Similarly, because, for example, new independent Claim 38 is directed to a system having a server that is configured for: (1) "receiving, via a global communications network, a request from a client computer [that is geographically remote from the server portion] to print a shipping label . . ."; and (2) "in response to receiving said request, identifying a set of graphic resolution characteristics of a display device associated with said client computer", it is respectfully submitted that new independent Claim 38, and Claims that are dependent on it, are therefore patentable over Kara.

Further, because, for example, new independent Claim 44 is directed to (1) "receiving, via [a] global communications network, graphic resolution data from [a] client computer, said graphic resolution data indicating one or more graphic resolution characteristics of [a] displayed version of [a] test image. . ."; and (2) ". . . using said graphic resolution data to determine a particular remote image resolution for printing said particular image on a printer associated with said client computer. . .", it is respectfully submitted that new independent Claim 44, and Claims that are dependent on it, are therefore patentable over Kara.

For the foregoing reasons, it is respectfully submitted that Kara, whether considered alone or in combination with any other reference of record, or with the Examiner's observations and/or conclusions, does not disclose, anticipate, or suggest the subject matter of Claims 5, 6, 8-12, 14-16, 18-20, 26, 29-31 and 33-35, as amended, or of new independent Claims 38 and 44, or of any of the Claims of the present application that are dependent on those Claims.

SECTION 103

In the Office Action, the Examiner rejected Claims 3, 7, 13, 17, 25, 27, 28, and 32 under 35 U.S.C. 103(a) as being unpatentable over Kara.

With respect to Claims 3, 7, 13, 17, 25, 27, and 28, the Examiner conceded that although Kara discloses the use of a printing device, it "fails to specifically disclose using a laser printer." Office Action, Topic Number 21, page 6. In support of the rejection, however, the Examiner states that:

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to use a laser printer for generating the shipping labels because Applicant has not disclosed that using a laser printer provides an advantage is used for a particular purpose or solves any stated problem. One of ordinary skill in the art, furthermore, [] would have expected Applican[]t invention [to] perform equally well with any printer, whether it be a laser printer or an ink jet printer because they both provide the overall result of generating a shipping label.

Office Action, Topic Number 22, pages 6-7.

With respect to Claims 7, 17, 25, and 32, the Examiner conceded that although Kara discloses the use of a Shipping Management Computer System, it "fails [to] disclose the use of sending a test image of the shipping label and requesting a response." Office Action, Topic Number 23, page 7. In support of the rejection, however, the Examiner states that:

It is old and well known in the art that this is done with all software programs that have a print preview option. It sends a test graphic to the screen, and the user must push the "ok", "print" or "cancel" button. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the print preview option with Kara, in order for the user to see how the label will work once printed. This will also graphically resize the image to fit on the screen.

Office Action, Topic Number 23, page 7.

The Examiner's section 103 rejection of Claims 3, 7, 13, 17, 25, 27, and 28 is based on the Examiner's conclusion that ". . . it would have been an obvious matter of design choice to a person of ordinary skill in the art to use a laser printer for generating the shipping labels because Applicant has not disclosed that using a laser printer provides an advantage is used for a particular purpose or solves any stated problem. . . "

It is respectfully submitted that the Specification of the present application describes a problem with respect to a computer system that each user accesses using "computer software installed on the remote user client computer device [that] is adapted to retrieve and render hyper-media content from one or more server computers available over the communications network" (e.g., Claims 5, 6, 11, 15, 16, 26, 30, and 31)), or "browser software" (e.g., Claims 7, 8, 10, 17, 18, 20, 32, 33, and 35) to access the computer system.

The problem is described in the Specification of the present application, in part, as follows:

Some shipping systems have in the past supported specialized thermal shipping label printers with which bar-coded shipping labels could be printed. Such thermal shipping label printers are single purpose printers, and require special shipping labels and in some cases, special ink. Many computer users use laser printers. Computer users who are not frequent shippers are not necessarily willing to purchase a space-taking single-purpose thermal shipping label printer with which to print shipping labels. However, laser printers vary in terms of graphic resolution – in part due to various user-selected settings. Therefore, in the past, trying to print a shipping label on a laser printer yielded unpredictable results such as sometimes printing dimensionally inaccurate bar-coded shipping labels. Accordingly, some way is needed so that Shippers with laser printers can print dimensionally accurate bar-coded shipping labels using a laser printer.

Specification, page 2, lines 19-29.

The Examiner's section 103 rejection of Claims 7, 17, 25, and 32 is based on the Examiner's conclusion that " a print preview option . . . sends a test graphic to the screen, and the user must push the "ok", "print" or "cancel" button." However, the Examiner does not state that issuing a print preview

command on a client computer for a display device configured with the client computer can be used by a remote computer system to recognize image resolution characteristics, or graphic resolution characteristics, of the display device.

The Specification of the present application describes the context of a problem of dealing with a plurality of printer devices, where each printer device is configured with a respective remote client computer, where each client computer accesses the subject system via computer software installed on the client computer, and where the computer software installed on the client computer is adapted to retrieve and render hyper-media content from one or more server computers available over the communications network (e.g., a web browser). Specifically, the Specification explains that a system that is accessed by such software as a web browser, must obtain information, such as image resolution characteristics, about the hardware that is being used to access it, so that printing can be dimensionally accurate. See, e.g., Specification, pages 74-76.

In view of the problem described in the Specification, and as distinguished from the cited references, independent Claims 11, and 26 (as amended) (on which Claims 13, 27 and 28 depend) of the present application, are directed, for example, to ". . . recognizing . . . a set of graphic resolution characteristics of a display device configured with the particular remote user client computer device . . ." Similarly, Claims 7, 17, and 32, as amended, are directed, for example, to ". . . recogniz[ing] a set of graphic resolution characteristics corresponding to a particular respective display device configured with the particular respective remote client computer . . . "

Similarly, in view of the problem described in the Specification, and as distinguished from the cited references, new independent Claim 38 is directed, for example, to ". . . identifying a set of graphic resolution characteristics of a display device associated with said client computer. . . .".

Further in view of the problem described in the Specification, and as distinguished from the cited references, new independent Claim 44 is directed, for example, to ". . . using [] graphic resolution data [indicating one or more graphic resolution characteristics of a displayed version of a test image as

displayed on a display device associated with a client computer] to determine a particular remote image resolution for printing said particular image on a printer associated with said client computer. . .".

For the foregoing reasons, it is respectfully submitted that Kara, whether considered alone or in combination with any other reference of record, or with the Examiner's observations and/or conclusions, does not disclose, anticipate, or suggest the subject matter of Claims 7, 13, 17, 27, 28 and 32, as amended, or of new independent Claims 38 and 44, of the present application.

CONCLUSION

For all of the foregoing reasons and authorities, it is therefore respectfully submitted that the independent Claims, and therefore the claims that are dependent on them, of the present application, as added and/or amended, are patentable over the cited references.

In view of the foregoing amendments, and for the foregoing reasons and authorities, Applicant respectfully submits that the invention disclosed and claimed in the present application as amended is not fairly taught by any of the references of record, taken either alone or in combination and that the application is in condition for allowance. Accordingly, Applicant respectfully requests reconsideration and allowance of the application as reflected in the substitute specification and as amended herewith concurrently filed herewith.

Respectfully submitted,

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